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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES GYPSUM COMPANY,

10 Plaintiff,

No. C 04-04941 JSW

11 v.

12 PACIFIC AWARD METALS, INC.,

13 Defendant.
14 _____/

**ORDER DENYING WITHOUT
PREJUDICE STIPULATION TO
PLACE DOCUMENTS UNDER
SEAL**

15 The Court has received the parties joint stipulation to file the following documents under
16 seal: Defendant Pacific Award Metals' Motion for Administrative Relief Requesting Leave to
17 File a Motion for Summary Judgment (filed on April 7, 2006) (Docket No. 164); Opposition of
18 Plaintiff United States Gypsum Company to Defendant's Motion for Administrative Relief
19 Requesting Leave to File a Second Motion for Summary Judgment (filed on April 12, 2006)
20 (Docket No. 165); and the Declaration of Michael P. Padden in Support of Opposition of
21 Plaintiff United States Gypsum Company to Defendant's Motion for Administrative Relief
22 Requesting Leave to File a Second Motion for Summary Judgment, including attached exhibits
23 1 through 3 thereto (filed on April 12, 2006) (Docket No. 166).

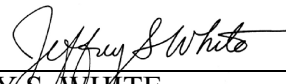
24 Although the Court encouraged the parties to reach agreement on this matter, it did not
25 excuse them from the requirements of Local Rule 79-5 with respect to establishing that the
26 documents should be filed under seal. Accordingly, the parties' stipulation is DENIED
27 WITHOUT PREJUDICE to the parties filing a joint motion pursuant to that rule. The Court
28 admonishes the parties that the relief sought by any such motion "must be narrowly tailored to

1 seek sealing only of sealable material.”

2 The Court notes for the benefit of the parties, that based upon the representations of the
3 parties at the hearing, and before receiving the proposed stipulation, the Court requested that
4 docket entries 164 and 166 be made inaccessible. Those docket entries shall remain
5 inaccessible until the Court has received the parties’ revised Local Rule 79-5 submission and
6 has made a final ruling on whether these documents should be sealed in whole or in part. The
7 Court will also request that docket entry 165 be made inaccessible until it receives the parties’
8 revised submission and has made a final ruling on this issue.

9 **IT IS SO ORDERED.**

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11 Dated: April 17, 2006

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14 JEFFREY S. WHITE
15 UNITED STATES DISTRICT JUDGE
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United States District Court

For the Northern District of California